



Stamatios Stamoulis  
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January 31, 2022

**VIA E-FILING**

The Honorable Leonard P. Stark  
J. Caleb Boggs Federal Building  
844 N. King Street  
Wilmington, DE 19801-3556

**RE: *Datacloud Technologies, LLC v. Squarespace, Inc.* (“DataCloud action”)  
C.A. No. 21-cv-164-LPS  
*Hanger Solutions, LLC v. Squarespace, Inc.* (“Hanger action”)  
C.A. No. 21-cv-774-LPS**

Dear Judge Stark:

Pursuant to the Court’s orders in the above-referenced cases, the court requested that the parties meet and confer and provide their positions on whether these cases should be consolidated, or coordinated (or neither), as they have been marked related. *See DataCloud action* D.I. 40, *Hanger action* D.I. 24. In response to that Order, the Plaintiffs have proposed partial coordination (based on certain representations by Squarespace) with separate schedules for each action. *See Exhibit A (Hanger action proposal); Exhibit C (DataCloud action proposal)*. Squarespace has proposed consolidating the cases under one schedule. *See Exhibit B (Squarespace proposal)*.

The parties agree that some coordination of the cases is warranted. To assist the Court in comparing the competing proposals, the table below provides an overview of the dates proposed in each Party’s proposal(s).

<b>DEADLINE DESCRIPTION</b>	<b>Hanger Proposal</b>	<b>Squarespace Proposal</b>	<b>DataCloud Proposal</b>
File Proposed Scheduling Order	Jan 31, 2022	Jan 31, 2022	Jan 31, 2022
<i>ENTERS SCHEDULING ORDER [predicted]</i>	<i>Feb 14, 2022</i>	<i>Feb 14, 2022</i>	<i>Feb 14, 2022</i>
File Proposed Protective Order	Feb 24, 2022	Feb 24, 2022	Feb 24, 2022
Make Initial Disclosures	Mar 16, 2022	Mar 16, 2022	Mar 16, 2022
File motions to join parties or supplement pleadings	Apr 28, 2022	Apr 28, 2022	Apr 28, 2022
Serves Disclosure of Asserted Claims and Accused Products and produces file histories	Feb 15, 2022	Feb 15, 2022	Feb 15, 2022
Produces Core Technical documents	Mar 23, 2022	Mar 23, 2022	Mar 23, 2022

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Serves Initial Infringement Contentions	Apr 27, 2022	Apr 27, 2022	Apr 27, 2022
Produces Initial Invalidity Contentions	Jun 01, 2022	Jun 01, 2022	Jun 01, 2022
Serves Final Infringement Contentions	May 03, 2023	May 03, 2023	Jun 28, 2023
Produces Final Invalidity Contentions	Jun 07, 2023	Jun 07, 2023	Aug 02, 2023
Complete All discovery	Jul 26, 2023	Jul 26, 2023	Sep 20, 2023
Substantially complete document production	Mar 20, 2023	Mar 20, 2023	May 15, 2023
Serve initial expert reports for issues for which they have the initial burden of proof	Aug 30, 2023	Aug 30, 2023	Nov 01, 2023
Serve rebuttal expert reports	Oct 04, 2023	Oct 04, 2023	Dec 06, 2023
Serve reply expert reports	Nov 01, 2023	Nov 01, 2023	Jan 03, 2024
Complete depositions of experts	Dec 06, 2023	Dec 06, 2023	Feb 07, 2024
Exchange claim terms/phrases for construction	Jun 28, 2022	Jun 28, 2022	Aug 23, 2022
Exchange proposed constructions	Jul 19, 2022	Jul 19, 2022	Sep 13, 2022
File Joint Claim Construction Chart	Aug 09, 2022	Aug 09, 2022	Oct 04, 2022
SERVES Opening claim construction brief	Sep 06, 2022	Sep 06, 2022	Nov 01, 2022
SERVES Responsive claim construction brief	Oct 04, 2022	Oct 04, 2022	Nov 29, 2022
SERVES Reply claim construction brief	Oct 18, 2022	Oct 18, 2022	Dec 13, 2022
SERVES Sur-Reply claim construction brief	Nov 01, 2022	Nov 01, 2022	Dec 27, 2022
File JOINT CLAIM CONSTRUCTION BRIEF	Nov 08, 2022	Nov 08, 2022	Jan 03, 2023
<i>Markman Hearing [predicted]</i>	<i>Nov 22, 2022</i>	<i>Nov 22, 2022</i>	<i>Jan 17, 2023</i>
<i>ENTERS CLAIM CONSTRUCTION ORDER [predicted]</i>	<i>Jan 24, 2023</i>	<i>Jan 24, 2023</i>	<i>Mar 21, 2023</i>
File Interim Status Report	Sep 20, 2022	Sep 20, 2022	Nov 15, 2022

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Supplement accused products and invalidity references	Feb 23, 2023	Feb 23, 2023	Apr 20, 2023
File Case Dispositive (and <i>Daubert</i> ) Motions	Dec 21, 2023	Dec 21, 2023	Feb 22, 2024
Hearing re: Dispositive Motions	FEBRURY 2024	FEBRURY 2024	MAY 2024
File Proposed Pretrial Order	APRIL 2024	APRIL 2024	JULY 2024
Final Pretrial Conference	APRIL 2024	APRIL 2024	JULY 2024
Jury Selection/Trial	MAY 2024	MAY 2024	AUGIUST 2024

Plaintiffs Hanger and DataCloud dispute that their respective cases are related, much less so closely related that consolidation is appropriate. The Court should issue separate schedules here because these are different cases, filed by different plaintiffs, that assert different (and unrelated) patents. *See Hanger action*, D.I. 19 at pp. 3-4. And although Squarespace’s invalidity defenses in each case rely on the same statutes (*e.g.*, 35 U.S.C. §§ 101-103, 112 ¶2), that does not make them any more unique than the 90% of other patent cases that raise those defenses. *See Hanger action*, D.I. 19 at pp. 3-4. That said, while the products accused of infringement appear to be disparate systems (*id.*), Squarespace has represented that there is overlap in the technical documents and code base of the accused products in each case and that absent coordination Squarespace would face duplicitous discovery. Based on that representation, DataCloud has proposed partial coordination between the cases that would allow Squarespace to collect and produce technical information once (even if it may need to keep technical information available for a longer period of time under the proposed DataCloud schedule). *See, supra*, Table. The cases should proceed on two schedules with limited coordination designed to address Squarespace’s concern of duplicative discovery.

Defendant Squarespace views these cases as closely related, with a great deal of overlap between the products and services accused of infringement and the Squarespace’s affirmative invalidity defenses. *See Hanger action* D.I. 18 at 7-8 (explaining overlap). As was discussed during the parties’ three meet-and-confer teleconferences, and is apparent from plaintiffs’ complaints, the same Squarespace documents and related testimony will be the subject of discovery in both cases. *See DataCloud action* D.I. 41-7, 41-8; *Hanger action* D.I. 1-4, 1-5 (identifying identical Squarespace “Products Offered” and “Training for Products”). This overlap is especially relevant here, where the plaintiffs are related corporate entities acting in concert. *See Hanger action* D.I. 18 at 8-9. Accordingly, it is Squarespace’s position that these cases should be coordinated for discovery and pretrial matters, and that a single order should issue governing the schedules for both cases.

We are available at the Court’s convenience should Your Honor have any questions.

Respectfully,

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A handwritten signature in blue ink, appearing to read 'Stamoulis', with a long horizontal flourish extending to the right.

Stamatios Stamoulis  
*Counsel for Plaintiffs*

cc: Counsel of Record (via E-File)